

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

PANDORA JEWELRY, LLC,)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	06-cv-600 (CCB)
CHAMILIA, LLC,)	
)	
Defendant.)	

**MEMORANDUM IN SUPPORT OF MOTION TO QUASH SUBPOENA FOR
RECORDS**

The Pink Silhouette, Flags, Etc. & Gifts, West End Gallery, Carlos Italian Charm Shop, Highlands West Gift Company, Enchanted Art, Joshua's Garden, Studio 24E, Kokopelli, and Hickory Stick, Ltd., by and through counsel, submit this brief memorandum in support of their motion to quash the subpoena for records dated September 22, 2006 served upon them by Pandora Jewelry, LLC, and exemplar of which is attached hereto as Exhibit A. As set forth more fully below, the grounds in support of this motion are that it is overly broad, unduly burdensome, not calculated to lead to the discovery of admissible evidence, seeks confidential commercial information, and seeks information that is the subject of a pending motion to stay and bifurcate filed by Pandora Jewelry in this matter.

Chamilia is a jewelry manufacturer and distributor. Pandora is a competitor distributor and manufacturer of jewelry. The subpoenas at issue were served by Pandora upon ten of Chamilia's retail accounts. The subpoenas seek information generally relating to communications between Chamilia and its retailers, Chamilia advertising and marketing materials, contracts between the retailers and Chamilia, the retailers' decision to sell Chamilia products, and Chamilia's competitors and market share.

Pandora has sued Chamilia for patent infringement. As to that claim, all that is relevant is whether the products sold by Chamilia meet the limitations of the properly

construed claims of the patent asserted by Pandora; if so, whether Chamilia knew or should have known it was infringing the patent; and finally the amount of profits earned by Chamilia (not by its retailers). All of that information is in the knowledge and records of Chamilia and its employees, and that information has been discovered from Chamilia by Pandora. The information sought by these questions will not provide any relevant evidence on Pandora's patent claim against Chamilia. The only purpose of these subpoenas is to unduly burden and harass Chamilia's retailers, by demanding responses and by highlighting the fact of the patent-in-suit in an effort to stop Chamilia's retailers from selling Chamilia's products, without however filing a direct action against the retailers (in which case these requests would arguably be relevant)

The questions relating to Chamilia's market share and competitors are arguably relevant to the Antitrust and Wrongful Interference counterclaims claims filed by Chamilia against Pandora. But Pandora has filed a motion, still pending before this Court, to bifurcate and stay discovery on the counterclaims. Thus, in Pandora's own view, this information is irrelevant and burdensome. Pandora can not have it both ways; either it must withdraw its motion to bifurcate immediately, or it must wait until the motion has been ruled upon and denied by this Court. A hearing on said motion has been scheduled for October 26, 2006, and the Court should either defer considering this motion to quash until it has ruled on the motion to bifurcate or take both motions up together.

Dated: October 13, 2006

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2006, I electronically filed Defendant's
Memorandum in Support of Motion to Quash Subpoena For Records with the Clerk of Court
using the CM/ECF system which will send notification of such filing to the following:

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